

June 14, 1940

Mr. Robert H. Marchant
Ioka, Utah.

Dear Sir: RNL: SAND WASH DISTRIBUTION

This will acknowledge receipt of your letter of June 12 in which you set out various things relating distribution problems on Sand wash. I shall try to cover them in the order in which you took them up.

Since Mr. Bacon is not State Engineer, I presume it will be necessary for you to comply with the rules laid down by the present State Engineer although they may be distasteful to you. The State Engineer will not make collections with which to pay the distribution on Sand wash. Advice of this fact was given in my letter of April 20, 1940 to the Sand Wash Irrigation Company, c/o Mr. Archie Benson, Secretary. In that letter I said:

"You should choose a man who is competent to distribute the water and decide upon his rate of pay, and provide a means of collecting from the water users according to the rights involved sufficient funds to pay the expenses of the distribution, including the pay for the Commissioner, his expenses, \$5 for bond, and any other expenses necessary. If you will do this and sign the resolution, enclosed herewith, the State Engineer will go as far as possible in meeting your desires in the matter. The Commissioner will be appointed without recourse to the State Engineer's office; that is, you must make your own assessments and collections thereof to pay the expenses involved."

You say there is a lack of co-operation and the money will be difficult to collect. I was sure of this fact and, therefore, in the first instance, refused to appoint a Commissioner, but reconsidered the matter upon the urgent request of a minority number of your water users.

You are entirely right when you say that it would not be practicable or necessary to go over the entire system daily. Instructions to that effect were contained in a circular letter but are inapplicable to you, so you should govern yourself in accordance with the needs, whether a daily, weekly, or monthly trip be necessary to make distribution.

The abstract of title to water of Sand wash sent to you is correct

Mr. Robert H. Marchant

6/17/40.

-2-

so far as I am able to ascertain. I know of no better record. You should, therefore, use the data given therein. The State Engineer has nothing to say with respects to the measuring devices, except that care and good judgment be used in any and all installations made. Whether you make them of a type similar to that used by the Indians or by the Whites is immaterial. Your guide in this matter should be a type of measuring device that can be builded by the water users without hardship and best suited for local needs. It would not seem practicable to me for you to put in rating flumes and hire an engineer to rate them. I am wondering if you could not use an improvised weir made of lumber, by you, with the use of a hammer and a saw, or it may be that you could get Mr. Colton to measure any stream that was larger than could be handled with the ordinary weir, or if I have an engineer in that vicinity, I will have him call on you, for I am desirous of assisting you in any way possible.

With reference again to the rights involved, I think you will be perfectly justified in assuming the rights to be in accordance with the abstract furnished.

Yours very truly,

L. H. Humphreys

STATE ENGINEER.

L/H